

*ORIGINAL*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ASPEX EYEWEAR, INC.,  
Plaintiff,

v.

E'ELITE OPTIK, INC.,  
Defendant.

§  
§  
§  
§

3-98CV2996-D

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
<b>FILED</b>	
MAY - 6 2002	
CLERK, U.S. DISTRICT COURT	
By _____	Deputy

*[Signature]*

**JOINT SUBMISSION**

Pursuant to this Court's April 4, 2002 Order, the parties have conferred in good faith regarding the sealing of the Court's April 4, 2002 Memorandum Opinion and Order.

Plaintiff is of the opinion that the entirety of the Memorandum Opinion and Order should be unsealed.

Defendant does not object, but is of the further opinion that the motions, briefs, and appendices relating to any unsealed portion should also be unsealed except to the extent the Court did not rely on such to render its opinion.

Respectfully submitted,

*Robert M. Mason*  
 Robert M. Mason, TX Bar No. 13158240  
 James D. Petrucci, TX Bar No. 15853280  
 MASON & PETRUZZI  
 13601 Preston Road, Suite 402 West  
 Dallas, Texas 75240  
 Telephone: (972) 788-1500  
 Facsimile: (972) 788-1561

ATTORNEYS FOR DEFENDANT,  
 E'ELITE OPTIK, INC.

*Barry Schindler by ~~pro se~~*

Dan D. Davison, TX Bar No. 05590900  
FULBRIGHT & JAWORSKI, L.L.P.  
2200 Ross Avenue, Suite 2800  
Dallas, TX 75201-2784  
Telephone: (214) 855-8000  
Facsimile: (214) 855-8200

Michael A. Nicodema  
Barry J. Schindler  
Dreier & Baritz, LLP  
499 Park Avenue  
New York, NY 10022  
Telephone: (212) 328-6100  
Facsimile: (212) 328-6101

ATTORNEYS FOR PLAINTIFF,  
ASPEX EYEWEAR, INC.

**CERTIFICATE OF SERVICE**

I, Robert M. Mason, hereby certify that a true copy of the foregoing JOINT SUBMISSION was served on Plaintiff's counsel by facsimile and first class U.S. mail to the following addresses:

Barry Schindler, Esq.  
Michael Nicodema, Esq.  
Dreier & Baritz, LLP  
499 Park Avenue  
New York, NY 10022

Dan D. Davison, Esq.  
Fulbright & Jaworski, L.L.P.  
2200 Ross Avenue, Suite 2800  
Dallas, TX 75201-2784

on this 6<sup>th</sup> day of May, 2002.

  
\_\_\_\_\_  
Robert M. Mason